

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DWAIN WILLIAMS,
Plaintiff,
v.

STATE OF CALIFORNIA, et al.,
Defendants.

Case No. 17-cv-02511-HSG

**ORDER SETTING EVIDENTIARY
HEARING**

Re: Dkt. No. 8

The Court SETS a limited evidentiary hearing on September 20, 2017, at 1:00 p.m., in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA, regarding whether Plaintiff exhausted his administrative remedies under the Prison Litigation Reform Act. *See* Dkt. No. 8 (pending motion for summary judgment); *cf. Albino v. Baca*, 747 F.3d 1162, 1168 (9th Cir. 2014) (permitting limited preliminary proceeding to “decide disputed questions of fact”).

The hearing will be limited to whether Plaintiff filed any inmate appeals with the Soledad Correctional Training Facility after January 6, 2016, the date of his alleged incapacity. *See* Dkt. No. 10 at 5; Dkt. No. 1-1 ¶¶ 11, 17–18, 30. This includes the two inmate appeals, dated August 26, 2016, and September 16, 2016, that Defendants filed as Exhibit B to their reply brief in support of the pending motion. *See* Dkt. No. 13-2, Ex. B.


To guide this limited inquiry, Defendants should prepare the following witnesses: (1) the custodian of records for the Soledad Correctional Training Facility who can authenticate and testify about the processing of the two above-referenced inmate appeals; (2) all individuals who assisted Plaintiff in filing the above-referenced inmate appeals; and (3) someone who can describe the process by which a third-party outside the Soledad Correctional Training Facility can assist inmates in preparing and filing an inmate appeal, as permitted by Title 15 of the California Code

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of Regulations, § 3084.2.

IT IS SO ORDERED.

Dated: 8/3/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge